

**Memorandum to the File
Case Closure**

Alleged Abuse of Authority and Misuse of Position
OI&T Field Security Operations [REDACTED]
(2010-02858-IQ-0176)

The VA Office of Inspector General Administrative Investigations Division investigated an allegation that [REDACTED] abused his authority and misused his position by engaging in an inappropriate personal relationship with [REDACTED] VA Medical Center, [REDACTED]

(b) (7)(C)

To assess the allegation, we interviewed [REDACTED] and [REDACTED] and reviewed personnel, email, and telephone records, as well as applicable Federal laws, regulations, and VA policy.

Standards of Ethical Conduct for Employees of the Executive Branch prohibit an employee from using his public office for his own private gain or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity and prohibit an employee from using his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to themselves or to friends, relatives, or persons with whom the employee is affiliated with in a nongovernmental capacity. 5 CFR § 2635.702. The Merit Systems Protection Board defines an "abuse of authority" as an arbitrary or capricious exercise of power by a Federal official or employee that adversely affects the rights of any person or that results in personal gain to preferred other persons. *D'Elia v. Department of the Treasury*, 60 M.S.P.R. 226, 232 (1993), *overruled in part on other grounds by Thomas v. Department of the Treasury*, 77 M.S.P.R. 224, 236 n.9 (1998).

Personnel, email, and telephone records failed to disclose any evidence of an improper relationship between [REDACTED] and [REDACTED]. [REDACTED] told us that he knew [REDACTED] since 1992 when they first worked together in [REDACTED]. He said that their families became friends and that [REDACTED] and his family would "get together on weekends, [to] go camping [and] boating." He further said that when he moved away from the [REDACTED] area, [REDACTED] and her husband visited his family a few times during the year on holidays.

(b) (7)(C)

[REDACTED] told us that when [REDACTED]'s husband passed away, the relationship that he and his family had with her ended, other than to "talk to her from time to time." He said that he was accused by "multiple people" of having a sexual relationship with [REDACTED] but that they never had sexual contact of any kind. [REDACTED] also told us that their families socialized with one other before her husband's death, and she said that she was never intimately involved with [REDACTED]. She further said that she considered [REDACTED] to be a close personal friend and "like a brother" to her.

(b) (7)(C)

We found no evidence indicative of an inappropriate relationship between [REDACTED] and [REDACTED]. Further, we found no evidence that [REDACTED] used his position or [REDACTED]

authority to provide [REDACTED] preferential treatment or an advantage in her VA employment. This allegation is being closed without a formal report or memorandum.

(b) (7)(C)

Prepared By [REDACTED]

2/16/11
Date

Approved: [REDACTED]

2/16/2011
Date